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December 5, 2005

The Honorable Mark R. Warner  
Governor, Commonwealth of Virginia  
State Capitol, 3rd Floor  
Richmond, VA 23219

Dear Governor Warner:

I write you today to encourage you to use your executive power to restore voting rights to people in your state who have completed all terms of their criminal sentences.

Article V, § 12 of the Virginia Constitution entrusts the Governor with one of the essential attributes of Executive power: to "restore political disabilities" to any and all convicted felons. This grant is plenary and it allows the Governor to restore political rights for whatever reason he deems appropriate and through whichever mechanisms he opts to implement. A legal memorandum prepared by the law firm of Hogan & Hartson, which is enclosed for your review, spells out the Constitutional authority that you have to restore the voting rights of persons with felony convictions through an immediate blanket Executive Order.

Virginia is 1 of only 4 states in the nation where all individuals with felony convictions have their voting rights permanently revoked even after they have completed their sentences. It is my understanding that the four states that permanently disenfranchise felons are former slave states – Alabama, Florida, Kentucky, and Virginia. However, you are the only current Democratic governor of a permanent disenfranchisement state. Virginia and the other disenfranchisement states are alone with Armenia as the only democracies in the world that disenfranchise former offenders for life.

As a result of Virginia law, at least 5.9% of voting age citizens in Virginia cannot vote. This means that over 310,661 of nearly 5 million voting age citizens are not able to vote. Of the 310,661 not eligible to vote, at least 243,000 have completed all terms of their sentences, including parole. Furthermore, 1 out of every 6 African Americans in your state cannot vote. At least 161,559 African American Virginians are disenfranchised. Virginia's felony disenfranchisement laws were intended to exclude African Americans. According to a transcript of proceedings from the Virginia Constitutional Convention of 1906, Carter Glass, a delegate to the Convention stated for the record: "This plan will eliminate the darkey as a political factor in this State in less than 5 years, so that in no single county ... will there be the least concern felt for the complete supremacy of the white race in the affairs of government."

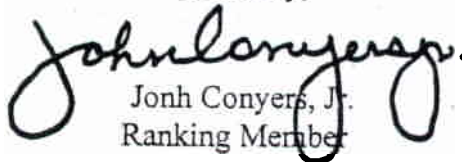
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I understand that you have made great strides in restoring the rights of formerly incarcerated people as you have shortened the waiting periods that are a part of the current restoration process for such persons. As of October 6, 2005, you have restored the voting rights of 3,066 citizens, which is greater than your four predecessors combined. However, the current restoration process is slow and ineffective since it takes at least 6 months to process the applications of those seeking a restoration of their right to vote. Ultimately, hundreds of thousands of citizens in Virginia who have completed their sentences still cannot vote.

As you are a national leader in our party, I ask that you restore the political rights for felons who have completed their sentence. You have a great opportunity to send a message to the base of our party that some of our leaders are willing to stand up to injustice and do the right thing.

If you would like to discuss this matter further, please do not hesitate to contact me through the Judiciary Committee Democratic office, 2142 Rayburn House Office Building, Washington, DC 20515, (tel: 202-225-6504; fax: 202-225-4423).

Sincerely,

  
John Conyers, Jr.  
Ranking Member